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To: All Community Development Recipients  
From: IHEDA Community Development Department  
Date: March 7, 2006  
**Re: Clarification on Lead Based Paint Exemptions**

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**Notice:** FSP-06-02

The Indiana Housing and Community Development Authority, by request, would like to further clarify the definition of "Elderly and Disabled Housing" pertaining to the exemptions to the Lead Based Paint Requirements. This exemption, referenced in the IHEDA Housing from Shelters to Homeownership Implementation Manual, is derived from the HUD Lead Safe Housing Rule. The full text of the exemption is as follows:

24 CFR 35.115 Exemptions: Housing for the elderly, or a residential property designated exclusively for persons with disabilities; except this exemption shall not apply if a child less than age 6 resides or is expected to reside in the dwelling unit (see definitions of "housing for the elderly" and "expected to reside" in Sec. 35.110).

24 CFR Part 35.110 states "Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program."

For example, a single family home receiving Federal assistance, owned and occupied by a person 62 years of age or older, does not qualify as an exemption based on the definition of "Housing for the elderly". Because the resident can sell the home to a person(s) less than 62 years of age and possibly with children, it wouldn't be exempt from the Lead Rules. The goal is to ensure children who may reside in the home, in the future, live in a safe environment.

The “Elderly and Disabled” exemption, listed in the IHCD Implementation Manual, would be applicable for a unit(s) receiving Federal assistance and located in a designated Senior Housing development or unit(s) designated exclusively for persons with disabilities.

A single family home receiving Federal assistance, owned and occupied by a person with a disability, does not qualify as an exemption based on the definition of “Disabled housing”. Again, because the resident can sell the home to non-disabled person(s) and possibly with children, it’s not exempt from the Lead Rules. The goal is to ensure children who may reside in the home, in the future, live in a safe environment.

Therefore, housing that meets these definitions and/or requirements may use the "Elderly and Disabled housing" exemption listed in the IHCD Implementation Manual.

Should you have any questions regarding the Lead Based Paint Requirements or this clarification please contact your IHCD Community Development Representative at (800) 872-0371.